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EXAMINER	
PARRY, CHRISTOPHER L	
ART UNIT	**PAPER NUMBER**
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,161	THOMPSON, BRIAN D.	
	Examiner	Art Unit	
	Chris Parry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,19-35 and 37-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,19-35 and 37-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-17, 18-35, and 37-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 28 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for Claims 28 and 46, the claims are vague and indefinite because it is unclear to the examiner as to what applicant is interpreting as "the ordered schedule of

channels" as recited in claims 28 and 46. It is unclear to the examiner how the ordered schedule of channels can be reordered into sequential order if the ordered schedule channels are already in sequential order.

To advance prosecution, the examiner will treat claims 28 and 46 similarly to claim 10 and assume "the ordered schedule of channels" should be --the reordered schedule of channels-- as in claim 10.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 8-9, 15-16, 19-23, 26-27, 34, 37-41, and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Amano et al. "Amano" (U.S. 5,323,240).

Regarding Claim 1, Amano discloses a method (figure 3) of computing a schedule of channels, comprising the steps of: accepting channel surfing commands having a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels (F10 – figure 3; Col. 3, lines 12-17). Amano discloses the process for storing a tuning frequency begins when a user manipulates a channel key, which typically is a channel up/down key that allows a user to channel surf through a schedule of channels.

Amano teaches, determining a duration of a time period during which each channel is tuned by the series of commands (F12 – figure 3; Col. 3, lines 19-21). Amano further discloses the process of counting the duration of time at which a channel is tuned is repeated every manipulation of a channel key (Col. 3, lines 36-38).

Amano teaches, prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned by the series of commands (F16 – figure 3; Col. 3, lines 30-31). Amano discloses sort circuit 9c in figure 2, is used to sort the channels by rank in ascending order, where the highest rank channel is the channel viewed for the longest duration of time (Col. 2, lines 52-61). Amano further discloses rankings of all channels may be stored in memory, therefore creating a prioritized schedule of channels in ascending order according to rank (Col. 3, lines 34-35).

As for Claim 2, Amano teaches, the step of determining a duration of a time period during which each channel is tuned comprises the step of determining a duration of a time period between each of the series of commands (F12-F14 – figure 3; Col. 3, lines 19-26). Amano discloses the counter begins when a user first manipulates a channel key, such as channel up/down, and the counter ends when a channel key input is sensed.

Amano teaches, the step of prioritizing the schedule of channels according to a duration of a time period during which each channel is tuned comprises the step of prioritizing the channels according to a duration of a time period between each of the series of commands (F15-F17 – figure 3; Col. 3, lines 26-32). Amano disclose in

between each channel key input, a grade is given to the channel that is based on the duration at which the user tuned the channel. The sort circuit 9c then re-sorts the list based on the new grade for the channel and stores the new list in memory. Amano teaches this process is repeated after every manipulation of a channel key (Col. 3, lines 36-38).

As for Claim 3, Amano teaches, reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands (F16 – figure 3; Col. 3, lines 30-31). Amano discloses sort circuit 9c in figure 2, is used to reorder the channels by rank in ascending order, where the highest rank channel is the channel viewed for the longest duration of time (Col. 2, lines 52-61). Amano further discloses rankings of all channels may be stored in memory, therefore creating a reordered schedule of channels in ascending order according to duration of time (Col. 3, lines 34-35).

As for Claim 4, Amano teaches, the ordered schedule of channels is reordered after each command of the series of commands (F16 – figure 3; Col. 3, lines 30-40). Amano discloses the steps of F10-F17 in figure 3 are repeated after every manipulation of the channel key.

As for Claim 5, Amano teaches, the ordered schedule of channels is reordered after all of the channels of the schedule of channels has been tuned (F16-F17 – figure

3; Col. 3, lines 30-40). Amano further discloses the rankings of all channels may be stored in the memory, so after the user has tuned to the last channel, the ordered schedule of channels have then been reordered.

As for Claim 8, Amano teaches, reordering the reordered schedule of channels in sequential order by disclosing a user can begin by manipulating the F key on the remote control to successively select broadcast stations in the order from a higher grade or "higher ranking" of tuning frequency to a lower grader or "lower ranking" of tuning frequency (Col. 4, lines 10-13), which instructs CPU 9 to reorder the schedule of channels. The reordered schedule of channels can then be reordered in sequential order by using the channel key, such as channel up or down, to sequentially step through each channel in order.

As for Claim 9, Amano teaches, reordering the ordered schedule of channels in sequential order is performed in response to a user command by disclosing a user can begin by manipulating the F key on the remote control to successively select broadcast stations in the order from a higher grade or "higher ranking" of tuning frequency to a lower grader or "lower ranking" of tuning frequency (Col. 4, lines 10-13), which instructs CPU 9 to reorder the schedule of channels. The user can command reordering the reordered schedule of channels by using the channel key, such as channel up or down, to reorder the reordered schedule of channels in sequential order.

As for Claim 15, Amano teaches, wherein the ordered schedule of channels is a subset of all available channels (Col. 3, lines 30-33). Amano discloses a subset of 10 channels may be sorted and stored in memory rather than all of the channels.

Regarding Claim 16, Amano discloses a method (figure 3) of computing a schedule of channels comprising the steps of: accepting data indicative of user interest in media programs transmitted on a plurality of channels by disclosing reference numeral 7 represents an infrared-rays detector which is provided in correspondence to the remote commander (Col. 2, lines 41-44). A user can indicate interest in media programs by using remote commander and transmitting commands to the television receiver shown in figure 1.

Amano teaches, accepting channel surfing commands having a series of commands to tune a plurality of channels sequentially from schedule of channels (F10 – figure 3; Col. 3, lines 12-17). Amano discloses the process for storing a tuning frequency begins when a user manipulates a channel key, which typically is a channel up/down key that allows a user to channel surf through a schedule of channels.

Amano teaches, determining a duration of a time period during which each channel is tuned by the series of commands (F12 – figure 3; Col. 3, lines 19-21). Amano further discloses the process of counting the duration of time at which a channel is tuned is repeated every manipulation of a channel key (Col. 3, lines 36-38).

Amano teaches, prioritizing the schedule of channels having a at least a subset of the plurality of channels according to the user interest in the media programs and the

duration of the time period during which each channel is tuned by the series of commands (F16 – figure 3; Col. 3, lines 30-31). Amano discloses sort circuit 9c in figure 2, is used to sort the channels by rank in ascending order, where the highest rank channel is the channel viewed for the longest duration of time (Col. 2, lines 52-61). Amano further discloses rankings of the top 10 or "subset" channels may be stored in memory, therefore creating a prioritized schedule of channels in ascending order according to rank (Col. 3, lines 31-35).

Regarding Claim 19, Amano teaches an apparatus (figure 1) for computing a schedule of channels (Col. 1, lines 52-59), comprising: means for accepting channel surfing commands (7 – figure 1) having a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels (Col. 2, lines 41-44). Amano discloses a viewer can use remote commander (shown in figure 1) to input up/down channel requests to television receiver (shown in figure 1), which allows a user to channel surf through a schedule of channels.

Amano teaches, means for determining a duration of a time period (9a – figure 2) during which each channel is tuned by the series of commands (Col. 2, lines 52-54).

Amano teaches, means for prioritizing the schedule of channels (9c – figure 2) according to the duration of the time period during which each channel is tuned by the series of commands (Col. 2, lines 52-59).

As for Claim 20, Amano teaches, means for determining a duration of a time period (9a – figure 2) during which each channel is tuned comprises means for determining a duration of a time period between each of the series of commands (F12-F14 – figure 3; Col. 3, lines 19-26). Amano discloses the counter begins when a user first manipulates a channel key, such as channel up/down, and the counter ends when a channel key input is sensed.

Amano further discloses, means for prioritizing the schedule of channels (9c – figure 2) according to a duration of a time period during which each channel is tuned comprises means for prioritizing the channels according to a duration of a time period between each of the series of commands (F15-F17 – figure 3; Col. 3, lines 26-32). Amano disclose in between each channel key input, a grade is given to the channel that is based on the duration at which the user tuned the channel. The sort circuit 9c then re-sorts the list based on the new grade for the channel and stores the new list in memory. Amano teaches this process is repeated after every manipulation of a channel key (Col. 3, lines 36-38).

As for Claim 21, Amano teaches, means for reordering (9c – figure 2) the ordered schedule of channels according to the duration of the time period between each of the series of commands (F16 – figure 3; Col. 3, lines 30-31). Amano discloses sort circuit 9c in figure 2, is used to reorder the channels by rank in ascending order, where the highest rank channel is the channel viewed for the longest duration of time (Col. 2, lines 52-61). Amano further discloses rankings of all channels may be stored in

memory, therefore creating a reordered schedule of channels in ascending order according to duration of time (Col. 3, lines 34-35).

Considering Claim 22, the claimed elements of the ordered schedule of channels is reordered after each command of the series of commands, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Considering Claim 23, the claimed elements of the schedule of channels is reordered after all of the channels of the schedule of channels has been tuned, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

Considering Claim 26, the claimed elements means for reordering the reordered schedule of channels in sequential order, corresponds with subject matter mentioned above in the rejection of claim 8, and is likewise treated.

Considering Claim 27, the claimed elements means for reordering the ordered schedule of channels in sequential order is performed in response to a user command, corresponds with subject matter mentioned above in the rejection of claim 9, and is likewise treated.

Regarding Claim 34, Amano discloses an apparatus (figure 1) of computing a schedule of channels comprising: means for accepting data (7 – figure 1) indicative of user interest in media programs transmitted on a plurality of channels by disclosing reference numeral 7 represents an infrared-rays detector which is provided in correspondence to the remote commander (Col. 2, lines 41-44). A user can indicate interest in media programs by using remote commander and transmitting commands to the television receiver shown in figure 1.

Amano teaches, means for accepting (figure 1) channel surfing commands having a series of commands to tune a plurality of channels sequentially from schedule of channels (F10 – figure 3; Col. 3, lines 12-17). Amano discloses the process for storing a tuning frequency begins when a user manipulates a channel key, which typically is a channel up/down key that allows a user to channel surf through a schedule of channels.

Amano teaches, means for determining (9a – figure 2) a duration of a time period during which each channel is tuned by the series of commands (F12 – figure 3; Col. 3, lines 19-21). Amano further discloses time counting circuit 9a is used to execute the process of counting the duration of time at which a channel is tuned is repeated every manipulation of a channel key (Col. 3, lines 36-38).

Amano teaches, means for prioritizing (9c – figure 1) the schedule of channels having a at least a subset of the plurality of channels according to the user interest in the media programs and the duration of the time period during which each channel is tuned by the series of commands (F16 – figure 3; Col. 3, lines 30-31). Amano discloses

sort circuit 9c in figure 2, is used to sort the channels by rank in ascending order, where the highest rank channel is the channel viewed for the longest duration of time (Col. 2, lines 52-61). Amano further discloses rankings of the top 10 or "subset" channels may be stored in memory, therefore creating a prioritized schedule of channels in ascending order according to rank (Col. 3, lines 31-35).

Regarding Claim 37, Amano discloses an apparatus (figure 1) for computing a schedule of channels, comprising: a user interface (7 – figure 1) for accepting channel surfing commands having a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels (Col. 2, lines 41-44). Amano further discloses a user can manipulate the channel up/down keys on remote commander (shown in figure 1), which allows a user to channel surf through a schedule of channels.

Amano teaches, a processor (9 – figure 1), communicatively coupled to a memory (9d – figure 2), the processor implementing a timer for determining a duration of a time period during which each channel is tuned (9a – figure 2; Col. 2, lines 52-54) and prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned by the series of commands (9c – figure 2; Col. 2, lines 52-59).

As for Claim 38, Amano teaches, the processor (9 – figure 1) determines a duration of a time period during which each channel is tuned (9a – figure 1) (F12-F14 – figure 3; Col. 3, lines 19-26). Amano discloses the counter begins when a user first

manipulates a channel key, such as channel up/down, and the counter ends when a channel key input is sensed.

Amano further teaches, the processor prioritizes the schedule of channels (9c – figure 2) according to a duration of a time period during which each channel is tuned by prioritizing the channels according to a duration of a time period between each of the series of commands (F15-F17 – figure 3; Col. 3, lines 26-32). Amano disclose in between each channel key input, a grade is given to the channel that is based on the duration at which the user tuned the channel. The sort circuit 9c then re-sorts the list based on the new grade for the channel and stores the new list in memory. Amano teaches this process is repeated after every manipulation of a channel key (Col. 3, lines 36-38).

As for Claimed 39, Amano teaches, the processor (9 – figure 1) prioritizes the schedule of channels according to a duration of a time period during which each channel is tuned by reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands (F16 – figure 3; Col. 3, lines 30-31). Amano discloses sort circuit 9c in figure 2, is used to reorder the channels by rank in ascending order, where the highest rank channel is the channel viewed for the longest duration of time (Col. 2, lines 52-61). Amano further discloses rankings of all channels may be stored in memory, therefore creating a reordered schedule of channels in ascending order according to duration of time (Col. 3, lines 34-35).

Considering Claim 40, the claimed elements of wherein the ordered schedule of channels is reordered after each command of the series of commands, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Considering Claim 41, the claimed elements of wherein the ordered schedule of channels is reordered after all of the channels of the schedule of channels has been tuned, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

As for Claim 44, the claimed "the processor further reorders the schedule of channels in sequential order" is rejected based on similar grounds as the rejection of claim 8.

As for Claim 45, the claimed "the processor reorders the schedule of channels in sequential order in response to a user command" is rejected based on similar grounds as the rejection of claim 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 6-7, 24-25, 33, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Bedard (U.S. 5,801,747 – as cited in previous office actions).

As for Claim 6, Amano fails to explicitly disclose the ordered schedule of channels is further ordered according to a time elapsed since the channel was last tuned.

In an analogous art, Bedard teaches the ordered schedule of channels is further ordered according to a time elapsed since the channel was last tuned, by discloses a most recent channel can be placed at the top of viewer profile array 200, which allows the viewer to see his most recently viewed channels at top of the ordered schedule of channels as shown in figure 2 (Col. 5, lines 34-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Bedard to order the schedule according to time elapsed since the channel was last tuned. One would have been motivated to make this modification in order to facilitate the user to quickly tune to a channel, which was more recently viewed.

As for Claim 7, Amano fails to teach weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned.

In an analogous art, Bedard teaches teach weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned, by disclosing a weighted least recently used algorithm is used to retrieve viewer profile entries 202 (Col. 5, lines 34-58). Further, although Bedard doesn't explicitly disclose using a computer to execute the least weighted algorithm, a computer or processor must be used in order to execute the algorithm. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Bedard in order to weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned. One would have been motivated to make this modification in order to give a higher priority to more recently viewed channels as opposed to channels that may have not been viewed in a long period of time.

As to Claim 24, the claimed "ordered schedule of channels is further ordered according a time elapsed since the channel was last tuned" is rejected based on similar grounds as the rejection of Claim 6.

As to Claim 25, the claimed "means for reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands further comprises: means for weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel

associated with each time period was last tuned" is rejected based on similar grounds as the rejection of Claim 7.

As for Claim 33, the combination of Amano and Bedard disclose, the ordered schedule of channels is a subset of all available channels (Col. 3, lines 30-33). Amano discloses a subset of 10 channels may be sorted and stored in memory rather than all of the channels.

Considering Claim 42, the claimed elements of wherein the ordered schedule of channels is further ordered according a time elapsed since the channel was last tuned, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Considering Claim 43, the claimed elements processor reorders the ordered schedule of channels according to the duration of the time period between each of the series of commands by weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned, corresponds with subject matter mentioned above in the rejection of claim 7, and is likewise treated.

5. Claims 10, 11, 28, and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Candelore et al. "Candelore" (U.S. 2002/0104081 – cited in previous office actions).

As for Claim 10, Amano teaches, each of the channels in the schedule of channels is associated with a media program by disclosing in figure 5 the currently tuned channel has an associated media program. However, Amano fails to disclose reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with the channels in the schedule of channels.

In an analogous art, Candelore discloses reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with the channels in the schedule of channels by disclosing the favorites list or "reordered schedule" can display either a list of top 10 (¶ 47) or the favorites list can be based on the top 15 (¶ 38). So therefore, when a user changes between displaying the top 10 to view the top 15, the reordered schedule is reordered again in sequential order, sequential order being from highest rank to lowest rank, when the threshold number of channels changes from 10 to 15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Candelore in order to facilitate reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs

associated with the channels in the schedule of channels for the benefit of providing a user with an updated reordered schedule of channels when the threshold of channels changes to facilitate easy navigation of a user's favorite channels.

As for Claim 11, Amano fails to discloses determining which of the time periods exceeds a threshold time period and segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period.

In an analogous art, Candelore teaches, determining which of the time periods exceeds a threshold time period by disclosing on a new set-top box, the unit of time or threshold may be 5 minutes, could in theory be any unit of time, to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42).

Candelore further teaches, segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period by disclosing a list of favorites 408 or "first segment" is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32). The channels that exceed the threshold time period are kept in the list of favorites 408, which comprises the first segment, and subsequently, the second segment would then be the remaining channels

whose statistics are maintained in table 406 but not in the list of favorites or "first segment".

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Candelore in order to facilitate determining which of the time periods exceeds a threshold time period and segmenting the channels into a first and second segment for the benefit of providing a more efficient method of navigation through his/her favorite channels while skipping channels that are not often viewed.

As for Claim 28, Amano teaches, each of the channels in the schedule of channels is associated with a media program by disclosing in figure 5 the currently tuned channel has an associated media program. However, Amano fails to disclose the means for reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels.

In an analogous art, Candelore discloses the means (29 – figure 4) for reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels by disclosing the favorites list or "reordered schedule" can display either a list of top 10 (¶ 47) or the favorites list can be based on the top 15 (¶ 38). So therefore, when a user changes between displaying the top 10 to view the top 15, the reordered schedule is reordered again in sequential order,

sequential order being from highest rank to lowest rank, when the threshold number of channels changes from 10 to 15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Candelore in order to facilitate reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with the channels in the schedule of channels for the benefit of providing a user with an updated reordered schedule of channels when the threshold of channels changes to facilitate easy navigation of a user's favorite channels.

As for Claim 46, Amano teaches, each of the channels in the schedule of channels is associated with a media program by disclosing in figure 5 the currently tuned channel has an associated media program. However, Amano fails to disclose the processor reorders the reordered schedule of channels in sequential order at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels.

In an analogous art, Candelore discloses the processor (29 – figure 4) reorders the reordered schedule of channels in sequential order at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels by disclosing the favorites list or "reordered schedule" can display either a list of top 10 (¶ 47) or the favorites list can be based on the top 15 (¶ 38). So therefore, when a user changes between displaying the top 10 to view the top

15, the reordered schedule is reordered again in sequential order, sequential order being from highest rank to lowest rank, when the threshold number of channels changes from 10 to 15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Candelore in order to facilitate reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with the channels in the schedule of channels for the benefit of providing a user with an updated reordered schedule of channels when the threshold of channels changes to facilitate easy navigation of a user's favorite channels.

As for Claim 47, Amano fails to disclose the processor further determines which of the time periods exceeds a threshold time period, and segments the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period.

In an analogous art, Candelore discloses, the processor (29 – figure 4) further determines which of the time periods exceeds a threshold time period by disclosing on a new set-top box, the unit of time or threshold may be 5 minutes, could in theory be any unit of time, to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42). Further Candelore discloses the

list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32).

Candelore further teaches, segments the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period by disclosing a list of favorites 408 or "first segment" is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32). The channels that exceed the threshold time period are kept in the list of favorites 408, which comprises the first segment, and subsequently, the second segment would then be the remaining channels whose statistics are maintained in table 406 but not in the list of favorites or "first segment".

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Candelore in order to facilitate determining which of the time periods exceeds a threshold time period and segmenting the channels into a first and second segment for the benefit of providing a more efficient method of navigation through his/her favorite channels while skipping channels that are not often viewed.

6. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Candelore as applied to claim 11 above, and further in view of Trovato et al. "Trovato" (U.S. 6,445,306).

As for Claim 12, the combination of Amano and Candelore disclose, in particular Candelore teaches, ordering the channels in the first segment according to the duration of the time period associated with each channel (506 - FIG. 5; Page 4, ¶ 44-46). The combination of Amano and Candelore are silent on ordering the channels in the second segment according to the duration of the time period associated with each channel.

In an analogous art, Trovato discloses ordering the channels in the second segment according to the duration of the time period associated with each channel by disclosing channels can be ordered into a first and second segment by representing each segment by categories. Figures 2A-2B of Trovato disclose a user can select a first or second category or "segment" by pressing one of the category buttons 105 on remote control 100, which will cause the display of the channel with the highest weight (Col. 7, lines 34-36). Trovato discloses each program that has an associated channel weight can be increased by viewing the program with the associated channel for a duration of time (Col. 7, lines 22-36).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Amano and Candelore with the teachings of Trovato to facilitate ordering the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 13, Amano, Candelore, and Trovato disclose, in particular Candelore teaches presenting media programs associated with the channels in the first segment in order in response to a first command by disclosing the use of the favorite key on remote control 5. Candelore teaches the "FAVORITE" key can be used to access a list that ranks favorites based on statistics.

Amano, Candelore, and Trovato discloses, in particular Trovato teaches presenting the media programs associated with the channels in the second segment in order in response to a second command by disclosing channels can be ordered into a first and second segment by representing each segment by categories. Figures 2A-2B of Trovato disclose a user can select a first or second category or "segment" by pressing one of the category buttons 105 on remote control 100, which will cause the display of the channel with the highest weight (Col. 7, lines 34-36). Trovato discloses each program that has an associated channel weight can be increased by viewing the program with the associated channel for a duration of time (Col. 7, lines 22-36).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Wugofski "Wugofski '216" (U.S. 2003/0056216 – as cited in previous office actions).

Regarding Claim 14, Amano fails to teach de-prioritizing a selected channel in the schedule of channels in response to a user input.

In an analogous art, Wugofski '216 teaches favorites services 8 provides favorites list management functions, and also a set of common user interfaces for selecting a favorite item from a list, adding an item to a favorite list, and removing an item from a favorite list. (page 3, ¶ 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Wugofski '216 in order to allow a user to de-prioritize a selected channel in the schedule of channels for the purpose of providing added flexibility to the user in managing lists of favorite channels.

8. Claims 17 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Wugofski "Wugofski '843" (WO 99/35843 – as cited in previous office actions).

Regarding Claim 17, Amano fails to teach wherein the data indicative of the user interest in the media program is selected from a group comprising: a list having at least one uniform resource locator.

In an analogous art, Wugofski '843 teaches a list (figure 5B) having at least one uniform resource locator by disclosing a favorite channel list which comprises both television channels and Internet channels as shown in figure 5B (page 13, lines 4-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano with the teachings of Wugofski '843 in order to combine a URL with the list of favorite channels. One would have been motivated to

make this modification in order to facilitate a user viewing multiple channel and Internet favorite lists into a single list.

Considering Claim 35, the claimed elements of wherein the data indicative of the user interest in the media program is selected from a group comprising: a list having at least one uniform resource locator, corresponds with subject matter mentioned above in the rejection of claim 17, and is likewise treated.

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Bedard as applied to claim 24 above, and further in view of Candelore.

As for Claim 29, the combination of Amano and Bedard fail to disclose means for determining which of the time periods exceeds a threshold time period and means for segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period.

In an analogous art, Candelore teaches, means (29 – figure 4) for determining which of the time periods exceeds a threshold time period by disclosing on a new set-top box, the unit of time or threshold may be 5 minutes, could in theory be any unit of time, to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42). Further Candelore discloses the

list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32).

Candelore teaches, means (29 – figure 4) for segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period by disclosing a list of favorites 408 or "first segment" is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32). The channels that exceed the threshold time period are kept in the list of favorites 408, which comprises the first segment, and subsequently, the second segment would then be the remaining channels whose statistics are maintained in table 406 but not in the list of favorites or "first segment".

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Amano and Bedard with the teachings of Candelore in order to facilitate determining which of the time periods exceeds a threshold time period and segmenting the channels into a first and second segment for the benefit of providing a more efficient method of navigation through his/her favorite channels while skipping channels that are not often viewed.

10. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Bedard in view of Candelore as applied to claim 29 above, and further in view of Trovato.

As for Claim 30, the combination of Amano, Bedard, and Candelore disclose, in particular Candelore teaches means (29 – figure 4) for ordering the channels in the first segment according to the duration of the time period associated with each channel (Page 4, ¶ 44-46). The combination of Amano, Bedard, and Candelore fail to teach ordering the channels in the second segment according to the duration of the time period associated with each channel.

In an analogous art, Trovato discloses means (110 – figure 1) for ordering the channels in the second segment according to the duration of the time period associated with each channel by disclosing channels can be ordered into a first and second segment by representing each segment by categories. Figures 2A-2B of Trovato disclose a user can select a first or second category or "segment" by pressing one of the category buttons 105 on remote control 100. Channel selector 110 or "processor" will receive the command from remote control 100 to facilitate displaying the channel with the highest weight on appliance 150 (Col. 7, lines 34-36). Trovato discloses each program that has an associated channel weight can be increased by viewing the program with the associated channel for a duration of time (Col. 7, lines 22-36).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Amano, Bedard, and Candelore with the teachings of Trovato to facilitate ordering the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting

channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 31, the combination of Amano, Bedard, Candelore, and Trovato disclose, in particular Candelore teaches means for presenting media programs (4 – figure 1) associated with the channels in the first segment in order in response to a first command" by favorite key on remote control 5. Candelore teaches the "FAVORITE" key can be used to access a list that ranks favorites based on statistics. The combination of Candelore and Bedard fail to teach presenting the media programs associated with the channels in the second segment in order in response to a second command.

The combination of Amano, Bedard, Candelore, Trovato disclose, in particular Trovato teaches, means for presenting the media programs (150 – figure 1) associated with the channels in the second segment in order in response to a second command by disclosing channels can be ordered into a first and second segment by representing each segment by categories. Figures 2A-2B of Trovato disclose a user can select a first or second category or "segment" by pressing one of the category buttons 105 on remote control 100. Channel selector 110 or "processor" will receive the command from remote control 100 to facilitate displaying the channel with the highest weight on appliance 150 (Col. 7, lines 34-36). Trovato discloses each program that has an associated channel weight can be increased by viewing the program with the associated channel for a duration of time (Col. 7, lines 22-36).

11. Claims 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Candelore as applied to claim 47 above, and further in view of Trovato.

As for Claim 48, the combination of Amano and Candelore disclose, in particular Candelore teaches, the processor (29 – figure 4) further orders the channels in the first segment according to the duration of the time period associated with each channel (Page 4, ¶ 44-46). Amano and Candelore fail to disclose ordering the channels in the second segment according to the duration of the time period associated with each channel.

In an analogous art, Trovato discloses ordering the channels in the second segment according to the duration of the time period associated with each channel by disclosing channels can be ordered into a first and second segment by representing each segment by categories. Figures 2A-2B of Trovato disclose a user can select a first or second category or "segment" by pressing one of the category buttons 105 on remote control 100. Channel selector 110 or "processor" will receive the command from remote control 100 to facilitate displaying the channel with the highest weight on appliance 150 (Col. 7, lines 34-36). Trovato discloses each program that has an associated channel weight can be increased by viewing the program with the associated channel for a duration of time (Col. 7, lines 22-36).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Amano and Candelore with

the teachings of Trovato to facilitate ordering the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 49, Amano, Candelore, and Trovato disclose, in particular Candelore teaches, the processor (29 – figure 4) further presents media programs associated with the channels in the first segment in order in response to a first command by disclosing the use of the favorite key on remote control 5. Candelore teaches the "FAVORITE" key can be used to access a list that ranks favorites based on statistics.

Amano, Candelore, and Trovato discloses, in particular Trovato teaches [the processor] presents the media programs associated with the channels in the second segment in response to a second command by disclosing channels can be ordered into a first and second segment by representing each segment by categories. Figures 2A-2B of Trovato disclose a user can select a first or second category or "segment" by pressing one of the category buttons 105 on remote control 100. Remote control 100 will transmit the command to channel selector 110 or "processor" which will take the command and will display the channel with the highest weight on appliance 150 (Col. 7, lines 34-36). Trovato discloses each program that has an associated channel weight

can be increased by viewing the program with the associated channel for a duration of time (Col. 7, lines 22-36).

12. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amano in view of Bedard as applied to claim 24 above, and further in view of Wugofski "Wugofski '216" (U.S. 2003/0056216).

As to Claim 32, the combination of Amano and Bedard fail to teach means for de-prioritizing a selected channel in the schedule of channels in response to a user input.

In an analogous art, Wugofski '216 teaches means (8 – figure 2) for de-prioritizing a selected channel in the schedule of channels in response to a user input by disclosing favorites services 8 provides favorites list management functions, and also a set of common user interfaces for selecting a favorite item from a list, adding an item to a favorite list, and removing an item from a favorite list. (page 3, ¶ 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Amano and Bedard with the teachings of Wugofski '216 in order to allow a user to de-prioritize a selected channel in the schedule of channels to facilitate a user keeping an up-to-date list by removing channels he/she may no longer be interested in viewing.

Note to Applicant

13. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CR
May 5, 2006

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